

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

JIMMIE HARDAWAY, JR., LARRY A. BOYD,  
FIREARMS POLICY COALITION, INC., and  
SECOND AMENDMENT FOUNDATION

Plaintiffs,

v.

No. 22-cv-00771 (JLS)

STEVEN A. NIGRELLI, in his official capacity as  
Superintendent of the New York State Police, BRIAN D.  
SEAMAN, in his official capacity as District Attorney for the  
County of Niagara, and JOHN J. FLYNN, in his official  
capacity as District Attorney for the County of Erie,

Defendants.

**NOTICE OF MOTION TO DISMISS**

MOTION BY:	State Defendant Nigrelli
RELIEF SOUGHT:	Dismissal; in the alternative, an extension of 14 days to file an answer as provided by Rule 12(a)(4)(A).
WHEN RETURNABLE:	As directed by the Court
WHERE RETURNABLE:	Hon. John L. Sinatra, Jr. United States District Court 2 Niagara Square Buffalo, New York 14202
GROUND FOR RELIEF:	F.R.C.P. 12(b)(6); 12(a)(4)(A)
SUPPORTING PAPERS:	Memorandum of Law Prior Pleadings [ECF Nos. 10-6, 10-7, 10-8, 10-9, and 52]

Dated: Buffalo, New York  
December 2, 2022

LETITIA JAMES  
Attorney General  
State of New York

By: /s/ Ryan L. Belka  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2022, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system.

Dated: Buffalo, New York  
December 2, 2022

LETITIA JAMES  
Attorney General  
State of New York

By: /s/ Ryan L. Belka  
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